

(counsel of record on following page)

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA**

IRMA BARBOSA and CECILIA MATA, on  
behalf of themselves and those similarly situated,  
  
Plaintiffs,

vs.

DELTA PACKING COMPANY OF LODI, INC.  
AKA "DELTA FRESH"; SALINAS FARM  
LABOR CONTRACTOR, INC.; ERNIE  
COSTAMAGNA, an individual, ANNAMARIE  
COSTAMAGNA, an individual, and DOES 1-20,

Defendants.

Case No. 2:20-CV-01096-TLN-KJN

**CERTIFIED CLASS ACTION**

**JOINT STIPULATION AND ORDER RE:  
CLASS NOTICE OF CERTIFICATION**

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7 Attorneys for Plaintiffs

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14 Attorneys for Defendants, DELTA PACK COMPANY OF LODI, INC.  
15 AKA "DELTA FRESH," ERNIE COSTAMAGNA, and  
ANNAMARIE COSTAMAGNA

16  
17 RONALD H. BARSAMIAN (Bar No. 81531)  
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18 CATHERINE M. HOULIHAN (Bar No. 312113)  
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21 Facsimile: (559) 248-2370  
22 Email: *laborlaw@theemployerslawfirm.com*

23 Attorneys for Defendant, SALINAS FARM LABOR CONTRACTOR, INC.

1 The parties, plaintiffs Irma Barbosa and Cecilia Mata (“Plaintiffs”), on the one hand, and  
2 defendants Delta Packing Company of Lodi, Inc., Salinas Farm Labor Contractor, Inc., Ernie  
3 Costamanga, and Annamarie Costamanga (“Defendants”), on the other, (collectively, the  
4 “Parties”), hereby agree and stipulate as follows:

5 **STIPULATION**

6 **WHEREAS**, on August 16, 2023, this Court granted class certification of a Rule 23 Class  
7 consisting of “[a]ll non-exempt individuals who are or have been employed by Defendants at the  
8 Delta Packing Company of Lodi, Inc. (aka ‘Delta Fresh’) packing plant in Lodi, California at any  
9 time since May 29, 2016, whose time records show auto-deducted 30-minute meal periods.” *See*  
10 ECF No. 53;

11 **WHEREAS**, Rule 23(c)(2) of the Federal Rules of Civil Procedure provides that the Court  
12 direct notice of class certification to members of the certified class;

13 **WHEREAS**, the Parties have met and conferred and agree to the form of class notice  
14 attached hereto as **Exhibit 1**, and agree that such notice complies with the requirements of Fed. R.  
15 Civ. P. 23(c)(2)(B);

16 **WHEREAS**, the Parties have agreed to facilitate mailing of the class notice to the certified  
17 class members, whose contact information Defendants will provide, and to engage an administrator  
18 for that purpose, with Plaintiffs bearing the cost;

19 **NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by and between  
20 the Parties hereto, that the Court approve the form of class notice of certification attached hereto as  
21 **Exhibit 1** and direct the dissemination of same to the certified class.  
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26  
27  
28

1 Dated: September 20, 2024

2 By: /s/ Dan Keller

3 Stan Mallison  
4 Hector Martinez  
5 Dan Keller  
6 MALLISON & MARTINEZ  
7 Attorneys for Plaintiffs

8 Dated: September 20, 2024

9 By: /s/ Christina Tillman

10 Christina Tillman  
11 MCCORMICK, BARSTOW,  
12 SHEPPARD, WAYTE &  
13 CARRUTH LLP  
14 Attorneys for Defendants

15 Dated: September 20, 2024

16 By: /s/ Catherine M. Houlihan

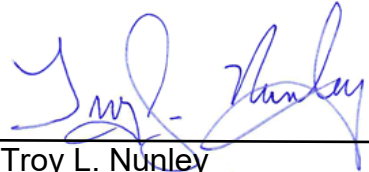
17 Patrick S. Moody  
18 Catherine M. Houlihan  
19 BARSAMIAN & MOODY  
20 Attorneys for Defendants

**ORDER**

The Parties' foregoing stipulation is approved. The Court finds the Parties' proposed class notice complies in all respects with the requirements of Fed. R. Civ. P. 23(c)(2)(B), and directs the Parties to effectuate dissemination of said notice to members of the certified class.

**IT IS SO ORDERED**

DATED: September 20, 2024

  
\_\_\_\_\_  
Troy L. Nunley  
Chief United States District Judge

LEGAL NOTICE BY ORDER OF THE COURT

A court authorized this Notice. This is not a solicitation from a lawyer.

**NOTICE OF PENDENCY OF CLASS ACTION**

TO: All non-exempt (hourly) individuals who are or have been employed by DELTA PACKING COMPANY OF LODI, INC., AKA “DELTA FRESH;” SALINAS FARM LABOR CONTRACTOR, INC.; ERNIE COSTAMANGA; and/or ANNAMARIE COSTAMANGA, at the Delta Packing plant in Lodi, California, at any time since May 29, 2016, whose time records show auto-deducted 30-minute meal periods.

**IF YOU MEET THIS DESCRIPTION, YOU SHOULD READ THIS NOTICE CAREFULLY  
BECAUSE IT WILL AFFECT YOUR RIGHTS**

**PURPOSE OF THIS NOTICE**

This notice informs you about the lawsuit described below that is being litigated on behalf of the class of individuals described above. This notice advises you of the lawsuit.

**WHAT THE LAWSUIT IS ABOUT**

Irma Barbosa and Cecilia Mata (“Plaintiffs”), former employees of Defendants brought a lawsuit in the United States District Court, Eastern District of California, Case No. 2:20-CV-01096-TLN-KJN. Plaintiffs filed the lawsuit against Delta Packing Company of Lodi, Inc. (aka “Delta Fresh”); Salinas Farm Labor Contractor, Inc.; Ernie Costamanga; and Annamarie Costamanga (“Defendants”). The lawsuit alleges the Defendants violated the Fair Labor Standards Act (“FLSA”) and state wage and hour laws by failing to pay minimum wage; failing to pay overtime compensation; failing to provide meal and rest breaks because of donning and doffing and walking time; failing to provide accurate itemized wage statements, and failing to pay class members statutory penalties. Defendants deny that they have done anything wrong and deny that Plaintiffs or any current or former employee has been injured or suffered damages. **Only the claims relating to the practice of auto-deduction of meal periods have been certified by the court to proceed on a class-wide basis. None of the other claims alleged by Plaintiffs will be litigated on your behalf.**

**CLASS DEFINITION**

**Auto-Deduction Class:** All non-exempt individuals who are or have been employed by Defendants at the Delta Packing Company of Lodi, Inc. (aka “Delta Fresh”) packing plant in Lodi, California at any time since May 29, 2016 whose time records show auto-deducted 30-minute meal periods.

**LEGAL RIGHTS AND OPTIONS OF CLASS MEMBERS**

On August 16, 2023, the Court granted certification for the case to proceed as a class action for the California State Law Claim for alleged 30 minutes of time automatically deducted for a meal period. You have been identified as a member of the class. Plaintiffs are seeking to recover unpaid wages, penalties, and interest they contend Defendants owe you for these alleged violations. Defendants maintain that the auto-deduction policy is lawful and that class members received all meal periods to which they were legally entitled and have been paid all wages due and owing to them in connection with the auto-deduction practice.

**YOUR OPTIONS FOR THE AUTO-DEDUCTION CLAIM**

1. **Do Nothing.** If you want to participate in this class action lawsuit, no further action on your part is required. By doing nothing, you agree to be represented by the attorneys identified below as Class Counsel and by the Plaintiffs as the class representatives.
2. **Exclude Yourself from the Class Within the Next 30 Days.** You have the right to exclude yourself (“opt-out”) from the Class, meaning you will not be legally bound by the outcome of this class action lawsuit. But you also will not be entitled to any portion of any award given to Plaintiffs if they win this lawsuit, although you will retain your right to sue Defendants based on the subject matter of this lawsuit. To “opt-out,” you must mail or fax a written, signed, and dated request to be excluded to Class Counsel, as described below, no later than thirty (30) days from the date of the mailing of this notice. That request must clearly state words to the effect that “I wish to be excluded from the class action in *Barbosa, et al. v. Delta Packing Company of Lodi, Inc., et al.*, United States District Court, Eastern District of California, Case No. 2:20-CV-01096-TLN-KJN,” and must be signed by hand, dated, and faxed or postmarked to Phoenix Settlement Administrators, [Fax # and Address] by the 30-day deadline.
3. **Retain Counsel.** If you do not request exclusion, you may, if you so desire, hire your own attorney and enter an appearance in this lawsuit through that counsel.

#### THE LAWYERS REPRESENTING THE CLASS

The Court appointed the following attorneys to represent Plaintiffs and the Class Members (“Class Counsel”):

**MALLISON & MARTINEZ**  
1939 Harrison Street, Suite 730  
Oakland, California 94612  
Phone: 510-832-9999 or 1-888-525-8242  
Fax: 510-832-1101  
Email: [enotices@themmlawfirm.com](mailto:enotices@themmlawfirm.com)  
[www.themmlawfirm.com](http://www.themmlawfirm.com)

If Class Counsel receive money or benefits for the Class, they will ask the Court for fees and expenses. If the Court grants Class Counsel’s request, the fees and expenses would be either deducted from any money obtained for the Class or paid separately by Defendants. You can choose to have your own lawyer instead of the court-appointed counsel. If you choose to do so, that lawyer will need to make a formal appearance in the court.

#### HOW TO REQUEST EXCLUSION

**BY MAIL:** Phoenix Settlement Administrators [Address]

**BY FAX:** You may also fax it to [Phoenix Fax #]

**PLEASE DO NOT CONTACT THE COURT WITH QUESTIONS ABOUT THIS NOTICE.**